

LAW ENFORCEMENT ACADEMY[501]

Notice of Intended Action

Proposing rule making related to academy council, terminology, and waivers and providing an opportunity for public comment

The Law Enforcement Academy hereby proposes to amend Chapter 1, “Organization and Administration,” Chapter 3, “Certification of Law Enforcement Officers,” Chapter 13, “Telecommunicator Training Standards,” and Chapter 16, “Waivers,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 80B.11 and 80B.11C.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2020 Iowa Acts, House File 2389; 2020 Iowa Acts, House File 2585; and 2020 Iowa Acts, Senate File 2373.

Purpose and Summary

The Iowa Law Enforcement Academy has completed a review of 2020 Iowa Acts, House File 2389; 2020 Iowa Acts, House File 2585; and 2020 Iowa Acts, Senate File 2373. The proposed amendments address the changes made to the statutory code. The proposed amendments to Chapter 1 update how the Academy processes petitions for rule making from the public. The proposed amendments to Chapters 3 and 13 update terminology. The proposed amendments to Chapter 16 update the reporting requirements when the Academy grants a waiver to a rule.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Iowa Law Enforcement Academy Council for a waiver of the discretionary provisions, if any, pursuant to rule 501—Chapter 16.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Academy no later than 4:30 p.m. on July 6, 2021. Comments should be directed to:

Russell Rigdon
Iowa Law Enforcement Academy
Building 4640
P.O. Box 130
Johnston, Iowa 50131
Email: russell.rigdon@iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 1.11(4) as follows:

1.11(4) Academy council consideration. Upon request by petitioner in the petition, the academy director must schedule a brief and informal meeting between the petitioner and the academy council, a member of the academy council, or a member of the staff of the academy to discuss the petition. The academy council or a member of the academy staff may request the petitioner to submit additional information or argument concerning the petition. Comments may also be solicited from any person on the substance of the petition. Also, comments on the substance of the petition may be submitted to the academy council by any person.

Within 60 days after the filing of the petition, or within any longer period agreed to by the petitioner, the academy council ~~must, in writing,~~ shall deny the petition in writing on the merits and notify the petitioner of its action and the specific grounds for the denial, or grant the petition and notify the petitioner that it has instituted rule-making proceedings on the subject of the petition. The academy council shall submit the petition and the disposition of the petition to the administrative rules review committee. The petitioner shall be deemed notified of the denial or grant of the petition on the date when the academy council mails or delivers the required notification to the petitioner.

Denial of a petition because it does not substantially conform to the required form does not preclude the filing of a new petition on the same subject that seeks to eliminate the grounds for the academy council’s rejection of the petition.

ITEM 2. Amend paragraph **3.5(7)“a”** as follows:

a. Deaf and hard-of-hearing culture.

ITEM 3. Amend **501—Chapter 13** as follows:

CHAPTER 13

PUBLIC SAFETY TELECOMMUNICATOR TRAINING STANDARDS

501—13.1(80B) Telecommunicator Public safety telecommunicator training board. There is established a public safety telecommunicator training board under the authority of Iowa Code section 7E.3(3) which shall be an advisory board to the director as to matters arising under this chapter and the provisions of Iowa Code sections ~~80B.11(9)~~ 80B.11 and 80B.11C. This board shall consist of a minimum of one representative of and named by each of those organizations and departments listed in Iowa Code section 80B.11C, and such other persons appointed at the discretion of the director. Members of the board shall not be considered to be state employees for the purpose of the board and shall serve without compensation. The board will meet at the call of the director, and may establish such internal procedures as it may deem appropriate, subject to the approval of the director. A chairperson and such other officers of the board to be determined by the board shall be selected by majority vote of the board. The board may establish bylaws for its operation.

501—13.2(80B) Telecommunicator Public safety telecommunicator training.

13.2(1) Basic training. All persons employed primarily as public safety telecommunicators after July 1, 1998, shall successfully complete an approved basic training course within one year of employment. For purposes of this chapter, a public safety telecommunicator is defined as a person who ~~receives~~ serves as a first responder by receiving requests for, or ~~dispatches~~ dispatching requests to, emergency response agencies which include, but are not limited to, law enforcement, fire, rescue, and emergency medical services agencies.

13.2(2) In-service training requirements for former public safety telecommunicators who return to a public safety telecommunicator position. Any individual who leaves and then returns to an Iowa public safety telecommunicator position must receive, within one year of the individual's rehiring date, in-service training as follows:

<u>Period Outside Iowa Public Safety Telecommunications</u>	<u>Training Required</u>
6 months to 12 months	8 hours
More than 12 months to 36 months	20 hours
More than 36 months	40 hours

501—13.3(80B) Basic training.

13.3(1) Approved basic training course. Approved basic training course means a 40-hour course of instruction which has been approved in advance by the Iowa law enforcement academy through the public safety telecommunicator training board, which includes at a minimum the following topics:

- ~~1. a.~~ Introduction to public safety services and the role of the public safety telecommunicator.
- ~~2. b.~~ Human relations and communications skills.
- ~~3. c.~~ 911 systems, communications equipment, terminology.
- ~~4. d.~~ Understanding and taking different types of calls.
- ~~5. e.~~ Basic dispatch/broadcast techniques.
- ~~6. f.~~ Dispatching and managing the response to a call for service.
- ~~7. g.~~ Multiple tasking and prioritization.
- ~~8. h.~~ Liability and legal issues.
- ~~9. i.~~ Resource awareness.
- ~~10. j.~~ Stress management and motivation.

13.3(2) No change.

13.3(3) Agency administrator responsibility. It shall be the responsibility of agency administrators to ensure that all public safety telecommunicators under ~~their~~ agency administrators' direction receive the training required by these rules.

13.3(4) No change.

501—13.4(80B) Minimum in-service training requirements.

13.4(1) In-service training for newly hired public safety telecommunicators. During each full fiscal year of employment following completion of the required basic training as set forth in subrule 13.3(1), public safety telecommunicators shall complete a minimum of eight hours of in-service training.

13.4(2) In-service training for incumbents. During each fiscal year ~~beginning July 1, 1998,~~ currently employed public safety telecommunicators are required to complete a minimum of eight hours of in-service training.

13.4(3) Required in-service course content. To qualify as in-service training, the course content must consist of a topic or topics as listed in subrule 13.3(1) or other subject matter approved by the public safety telecommunicator training board.

13.4(4) Agency responsibility. Agency administrators shall ensure that all public safety telecommunicators under their direction receive the minimum hours of in-service training required by these rules and that current and accurate in-service training records are regularly kept and maintained. The agency administrator shall make these records available for inspection upon request by the director of the Iowa law enforcement academy or the director's designee.

13.4(5) In-service training records. In-service training records shall include the following data:

a. to e. No change.

f. The scores, if any, achieved by the public safety telecommunicator to show proficiency in, or understanding of, the subject matter.

501—13.5(80B) Instructors for basic training courses.

13.5(1) Experience. Instructors must have a minimum of two years of public safety telecommunicator experience. This requirement may be modified by the public safety telecommunicator's agency administrator with public safety telecommunicator training board approval in exceptional cases reflecting outstanding education or experience.

13.5(2) No change.

13.5(3) Training. Instructors must have successfully completed an instructor training course consisting of a minimum of 40 hours of instruction or have provided a minimum of 80 hours of public safety telecommunicator instruction within the past two years and can verify same.

13.5(4) No change.

501—13.6(80B) Telecommunicator Public safety telecommunicator status forms furnished to academy. Within ten days of any of the following occurrences, the academy will be notified by the use of prescribed forms:

1. and 2. No change.

3. Training received by public safety telecommunicators not provided at or by personnel of the Iowa law enforcement academy.

These rules are intended to implement Iowa Code sections ~~80B.11(9)~~ 80B.11 and 80B.11C.

ITEM 4. Amend rule **501—16.1(17A,80B)**, definition of "Waiver," as follows:

"*Waiver*" ~~or "variance"~~ means action by the Iowa law enforcement academy council which suspends in whole or in part the requirements or provisions of a rule as applied to an identified person on the basis of the particular circumstances of that person. ~~For simplicity, the term "waiver" shall include both a "waiver" and a "variance."~~

ITEM 5. Amend rule 501—16.10(17A,80B) as follows:

501—16.10(17A,80B) Public availability. All orders granting or denying a waiver petition shall be indexed, filed, and available for public inspection as provided in Iowa Code ~~section~~ sections 17A.3 and 17A.9A. Petitions for a waiver and orders granting or denying a waiver petition are public records under Iowa Code chapter 22. Some petitions or orders may contain information that the council is authorized or required to keep confidential. The council may accordingly redact confidential information from petitions or orders prior to public inspection.

ITEM 6. Amend rule 501—16.11(17A,80B) as follows:

501—16.11(17A,80B) ~~Summary reports~~ Submission of waiver information. In compliance with Iowa Code section 17A.9A, ~~semiannually~~ within 60 days of granting or denying a waiver, the council shall ~~prepare a summary report identifying~~ make a submission on the Internet site established pursuant to Iowa Code section 17A.9A for the submission of waiver information. The submission shall identify the rules for which a waiver has been granted or denied, the number of times a waiver was granted or denied for each rule, a citation to the statutory provisions implemented by these rules, and a general summary of the reasons justifying the council's actions on waiver requests. If practicable, the ~~report~~ submission shall detail the extent to which the granting of a waiver has established a precedent for additional waivers and the extent to which the granting of a waiver has affected the general applicability of the rule itself. ~~Copies of this report shall be available for public inspection and shall be provided semiannually to the administrative rules coordinator and the administrative rules review committee.~~